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Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653-KRH

(Jointly Administered)

**ORDER GRANTING LIQUIDATING TRUST'S FORTIETH
OMNIBUS OBJECTION TO CLAIM NUMBER 12631
(Claimant – CW Investors 1997 12 by its Receiver CW Capital Asset
Management LLC as Special Servicer for Bank of America N.A.)**

THIS MATTER having come before the Court¹ on the Liquidating Trust's Fortieth Omnibus Objection to Landlord Claims (Reduction of Certain Partially Invalid Claims-Mitigation) (the "Objection") and Notice of Substantive Hearing ("Notice of Substantive Hearing") that requested, among other things, that claim number 12631 be reduced and allowed as a general unsecured claim in the amount of \$1,057,581.17, with all other amounts disallowed; and it appearing that due and proper notice and service of the Objection and Notice of Substantive Hearing and the hearing (the "Hearing") as set forth therein was good and sufficient and that no

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Objection.

other further notice or service of the Objection or the Hearing need be given; and it appearing that the relief requested in the Objection and at the Hearing is in the best interest of the Liquidating Trust, the Debtors' estates, creditors, and other parties-in-interest; and after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

1. The Objection is GRANTED as provided herein.
2. Claim number 12631 is hereby reduced and allowed as a general unsecured claim in the amount of \$1,057,581.17.
3. All other amounts sought by Claim number 12631 are hereby disallowed for all purposes in these cases.
4. The Liquidating Trust shall serve a copy of this Order on the claimants as served by the Notice of Substantive Hearing.
5. This Court shall retain jurisdiction to hear and determine all matters arising from or

relating to this Order.

Dated: Apr 26 2017
Richmond, Virginia

/s/ Kevin R. Huennekens
HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket:4/26/17

WE ASK FOR THIS:

TAVENNER & BERAN, PLC

/s/ Paula S. Beran

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Counsel for the Circuit City Stores, Inc. Liquidating Trust

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Paula S. Beran

Paula S. Beran

Service of Entered order:

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David N. Tabakin, Esq. (VA Bar No. 82709)
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CW Investors 1997 12 by its Receiver
CW Capital Asset Management LLC as
Special Servicer For Bank Of America NA
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